

Exhibit E

1 IN THE UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF WEST VIRGINIA AT CHARLESTON
3 -----) Master File No.
4 IN RE: ETHICON, INC.,) 2:12-MD-02327
5 PELVIC REPAIR SYSTEM)
6 PRODUCTS LIABILITY LITIGATION) MDL 2327
7 -----)
8 THIS DOCUMENT RELATES TO) JOSEPH R. GOODWIN
9 PLAINTIFFS:) U.S. DISTRICT JUDGE
10)
11 Jeanie Holmes)
12 Case No. 2:12-cv-01206)
13)
14 Laura Waynick)
15 Case No. 2:12-cv-01151)
16)
17 Denise Burkhart)
18 Case No. 2:12-cv-01023)
19)
20 Pamela Free)
21 Case No. 2:12-cv-00423)
22)
23 Dorothy Baugher)
24 Case No. 2:12-cv-01053)
25)
26 Lisa Thompson)
27 Case No. 2:12-cv-01199)
28)
29 Rebecca Wheeler)
30 Case No. 2:12-cv-01088)
31)
32 Thelma Wright)
33 Case No. 2:12-cv-01091)
34)
35 Rocio-Herrera Nevarez)
36 Case No. 2:12-cv-01294)
37)
38 Debra A. and Donald)
39 Schnering)
40 Case No. 2:12-cv-01071)
41)
42 Margaret Kirkpatrick)
43 Case No. 2:12-cv-00746)
44 -----)
45 GENERAL DEPOSITION OF DENISE ELSER, M.D.

1 BY MR. FAES:

2 Q. Well, let me see if I can ask it a
3 different way.

4 Do you believe that if you had asked to
5 see any particular Ethicon or Johnson & Johnson
6 company documents, if you made that request of
7 Ethicon and Johnson & Johnson's attorneys, do you
8 believe that request would be granted?

9 MS. SMITH: Object to the form.

10 BY THE WITNESS:

11 A. I don't know if there are certain
12 documents they have that are confidential that I
13 would be denied, but I did not ask to see any. So
14 I find that question not applicable.

15 BY MR. FAES:

16 Q. Okay. So, just to make sure I
17 understand your testimony. You have not asked
18 specifically to see any Ethicon or
19 Johnson & Johnson internal company documents in --
20 strike that.

21 Just to be clear, you have not asked to
22 see any internal Ethicon or Johnson & Johnson
23 company documents in order to form your opinions in
24 this case regarding the TVT and TVT-O, correct?

1 A. That's correct.

2 Q. You didn't feel that there was anything
3 in Ethicon or Johnson & Johnson's internal files
4 that could be helpful to you in reaching your
5 opinions in this case on whether or not the TVT or
6 TVT-O is defectively designed?

7 MS. SMITH: Object to form.

8 BY THE WITNESS:

9 A. Correct.

10 BY MR. FAES:

11 Q. Doctor, I'm going to hand you what's
12 been marked as Exhibit No. 4 to your deposition.

13 (WHEREUPON, a certain document was
14 marked Elser Deposition Exhibit
15 No. 4, curriculum vitae.)

16 BY MR. FAES:

17 Q. Can you tell me what that is?

18 A. It's my CV dated December -- oh, 2016.
19 I think that should be 2015.

20 Q. Was that CV actually updated in
21 December of 2015? Is that the last time it was
22 updated?

23 A. Yes.

24 Q. Is that your current, albeit incorrect

1 important to you depending what the results were?

2 MS. SMITH: Object to form.

3 BY THE WITNESS:

4 A. Potentially.

5 BY MR. FAES:

6 Q. Doctor, do you know what the standard is
7 that a manufacturer must follow in designing mesh
8 products?

9 A. No.

10 Q. Do you know what responsibilities a
11 manufacturer holds in designing mesh products?

12 MS. SMITH: Object to form.

13 BY THE WITNESS:

14 A. No.

15 BY MR. FAES:

16 Q. Do you know what kinds of things a
17 company researches before a product is designed or
18 released?

19 A. No.

20 Q. Would you agree that surgery rates for
21 stress urinary incontinence have increased since
22 the introduction of the TVT?

23 A. Yes.

24 Q. Would you agree that your surgery rate